

## **REMARKS**

Claims 1, 3, 4, 7-9, 11-20, 22, 24, 26, and 27 remain pending in this application. Claims 2, 5, 6, 10, and 28 have been canceled without prejudice or disclaimer. Claims 21, 23 and 25 had been canceled by a previous amendment. Claim 28 was treated as canceled in the outstanding Office action, but was not canceled until the present reply.

Applicants acknowledge, with appreciation, the indication that claims 5-7, 12 and 13 are directed to allowable subject matter.

### **Rejection - § 112, first paragraph**

Claims 2, 14-20, 22, 24 and 26 have been rejected under 35 U.S.C. § 112, first paragraph, because the specification is not regarded as being enabling for the prodrugs of the parent compounds. While applicants do not agree with this conclusion, and solely for the purpose of expediting prosecution of the application, applicants have canceled all references to a prodrug in these claims. Accordingly, this rejection should be withdrawn.

### **Objection**

Claims 1 and 27 were objected to as containing non-elected subject matter. It is respectfully submitted that there is no legal basis for objecting to a claim as containing non-elected subject matter. Applicants have both a right and a statutory obligation to particularly point out what they regard as their invention. 35 U.S.C. § 112, second paragraph. Nevertheless, solely for the purpose of expediting prosecution in this application, claims 1 and 27 have been amended to be commensurate in scope with the elected invention. Accordingly, this objection should be withdrawn.

Rejection - § 102(b) Alburn et al.

Claims 1-4, 8-10, 14 and 27 have been rejected as being anticipated under 35 U.S.C. § 102(b) by Alburn et al. (U.S. Patent No. 3,268,515). In order to expedite prosecution of this application, claims 1 and 27 (and claims dependent thereon) have been amended to incorporate the subject matter of allowable claim 6. Accordingly, this rejection should be withdrawn.

Rejection - § 102(b) Blood et al.

Claims 1-4, 8-10, 14, and 27 have been rejected as being anticipated under 35 U.S.C. § 102(b) by Blood et al. (U.S. Patent No. 6,228,985). In order to expedite prosecution of this application, these claims have been amended to incorporate the subject matter of claim 6 indicated to be allowable. Accordingly, this rejection should be withdrawn.

Rejection - § 103(a) Alburn et al.

Claim 11 was rejected as being obvious over Alburn et al., but should now be considered patentable as claim 1 has been amended to incorporate the subject matter of allowable claim 6. Accordingly, this rejection should be withdrawn.

Prompt and favorable reconsideration of this application is respectfully requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 2, 2008

By: Charles E. Van Horn  
Charles E. Van Horn  
Reg. No. 40,266